

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA,	}	
<i>Plaintiff-Respondent</i>	}	
	}	
v.	}	CRIMINAL ACTION NO. H-95-142-13
	}	CIVIL ACTION NO. H-04-300
EDUARDO MORENO,	}	
<i>Defendant-Petitioner</i>	}	

MEMORANDUM AND ORDER

Pending before the Court are Petitioner Eduardo Moreno’s (“Moreno”) section 2255 motion to vacate, set aside or correct sentence (Dkt. 5245), the Government’s answer and motion for summary judgment (Dkt. 5295), the Magistrate Judge’s memorandum and recommendation that the Government’s motion be granted (Dkt. 5627), and Moreno’s objections to the Magistrate Judge’s recommendation (Dkt. 5635). The Court has reviewed these pleadings and, after careful and independent consideration, adopts that Magistrate Judge’s memorandum and recommendation in full.

Petitioner raises three points of error: one, that the Magistrate Judge erred by treating Moreno’s notice of judicial cognizance as a motion to amend; two, that the Magistrate Judge erred in finding that those arguments raised more than a year after Moreno’s conviction became final were time barred; and three, that the Magistrate Judge erred in recommending that Petitioner’s ineffective assistance of counsel claims be dismissed. None of these Moreno’s arguments have merit. The Magistrate Judge exhaustively addressed these issues in her memorandum and opinion, and the Court has nothing further to add. Accordingly, the court ORDERS that Eduardo Moreno’s section 2255 motion to vacate, set aside or correct sentence (Dkt. 5245) is DENIED. The Government’s motion for summary judgement (Dkt. 5295) is GRANTED. This case is DISMISSED.

SIGNED at Houston, Texas, this 26th day of March, 2007.

Melinda Harmon
MELINDA HARMON
UNITED STATES DISTRICT JUDGE